

## TOWN BOARD MEETING/WORKSHOP DECEMBER 6, 2016

A regular meeting of the Town Board was held on Tuesday December 6, 2016, at the Kent Town Hall, 25 Sybil's Crossing, Town of Kent, New York, 10512.

### **Public Hearing – No Smoking in Public Parks Law**

Supervisor Fleming stated the board convened the Public Hearing on the No Smoking in Public Parks Law; it was adjourned to this evening for additional comments. One comment was received in support of the law. Maureen Kenney the Director Of Pow'r Against Tobacco congratulated the board for having the discussion on tobacco free parks and playgrounds. She said if passed tonight you will be joining over 490 municipalities across the state. It is an important public health policy which has numerous benefits. She said adults serve as role models for their children, when they see adults smoking or chewing tobacco they think it is ok. She said at their organization they try to denormalize all tobacco use. She said if needed they could supply the town with signage and are here to help.

### **Resolution #349 -Close Public Hearing Local Law – No Smoking in Public Parks**

On a motion by Supervisor Fleming

Seconded by Councilwoman McGlasson

Resolved: The Public Hearing on the Local Law – No Smoking in Public Parks was closed.

Motion carried unanimously

**Pledge of Allegiance**- At 7:15 p.m. Supervisor Fleming called the Workshop Meeting to order with the Salute to the Flag. The board reviewed and discussed the items on the Workshop agenda.

**Public Comment**- There was none.

### **The Town Board Meeting was called to order with Roll Call at 7:30 p.m.**

Supervisor Maureen Fleming – present

Councilman Paul Denbaum – present

Councilwoman Jaime McGlasson – present

Councilman Bill Huestis – present

Councilman Scott Chin – present

**Also Present:** Town Clerk Cappelli, Town Counsel Nancy Tagliaferro, Highway Superintendent Rich Othmer, Chief Alex DiVernieri, and Director of Finance Yulia Kelly.

### **Resolution #350 – Adopt Local Law #2/2016 Prohibit Smoking Town of Kent Parks**

On a motion by Councilman Denbaum

Seconded by Councilwoman McGlasson

WHEREAS, a local law to prohibit smoking, tobacco use and “smokeless” tobacco use at all Town of Kent parks and their facilities was introduced as Introductory Local Law # 2 of the year 2016 before the Town Board of the Town of Kent on November 1, 2016; and

WHEREAS, a public hearing was held on November 15, 2016 and the public was invited to attend and be heard on the matter;

NOW THEREFORE, BE IT RESOLVED, that Introductory Local Law #2 of 2016 is hereby enacted by the Town Board of the Town of Kent as Local Law 2 of 2016 of the Town of Kent, and

BE IT FURTHER RESOLVED, that a true copy of the law is attached hereto and made a part hereof.

The Board took a poll vote as follows:

Councilman Denbaum – He voted nay, he outlined his position clearly over the past weeks. He thinks the law goes a little to far. If the goal is to reduce second hand smoke to children you do not need to include smokeless tobacco, he does not think if a guy is having a cigar in adult league softball that he should be subject to criminal prosecution for it. He also disagrees with the comment and support of this law will help change social norms and create a tobacco free generation. He does not think it is the role of government to change social norms let alone a town board. He would be in favor of a much limited law, he thinks this goes to far and does not think it is necessary and voted nay.

Councilwoman McGlasson – aye

Councilman Huestis – aye

Councilman Chin – aye

Supervisor Fleming – aye

Motion carried

## TOWN OF KENT

### LOCAL LAW NO. 2 OF THE YEAR 2016

#### LOCAL LAW TO PROHIBIT SMOKING, TOBACCO USE, AND “SMOKELESS” TOBACCO USE

#### Section 1 Purpose:

The purpose of this article is to prohibit smoking, tobacco use, and “smokeless” tobacco at all Town of Kent parks and their facilities, owned and operated by the Town of Kent, and any of the Town of Kent park districts and their facilities. The Town Board hereby finds that a potential health hazard exists from allowing smoking, tobacco use,

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and “smokeless” tobacco on said parks both from smoke and from the debris created by disregarded cigarettes and other smoking materials.

Section 2. Smoking and Smokeless Tobacco Use Prohibited:

The smoking or carrying of lighted cigarettes or use of other smoking and tobacco materials, including but not limited to cigars, pipes, e-cigarettes and the like, at all Town of Kent parks and their facilities, owned or operated by the Town of Kent, and any of the Town of Kent park districts and their facilities is hereby prohibited.

Section 3. Posting of Signs:

“Smoking, Electronic Cigarette Use, and Tobacco Use Prohibited” signs shall be clearly, sufficiently and conspicuously posted at the entrance to any Town of Kent parks and their facilities, owned and operated by the Town of Kent, and any of the Town of Kent park districts and their facilities.

Section 3. Penalties for Offenses; Enforcement:

- A. Any person convicted of a violation of this article shall be guilty of a violation and punished by a fine of not more than \$100 for each offense.
- B. The Town of Kent Police Department, or any other agency, officer or employee designated by the Town Board by resolution shall be charged with the enforcement of this article.

Section 4. Effective Date: This local law shall take effect immediately upon filing with the Secretary of State.

**Resolution #351 – Accept Post Employment Benefits Proposal – GASB**

On a motion by Councilman Denbaum  
Seconded by Councilwoman McGlasson

**WHEREAS**, the Town of Kent received a proposal dated November 7, 2016 from Aquarius Capital with regard to providing the Town of Kent with a post employment benefits valuation pursuant to Government Accounting Standards Board (“GASB”) 43 and 45; and

**WHEREAS**, the cost for the post employment benefits valuation will be \$5,000 for a full valuation for the year 2016 and \$1,500 for a roll forward calculation for fiscal year 2017; and

**WHEREAS**, the Town Board believes it to be in the best interests of the Town to accept the Aquarius Capital proposal.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby accepts the proposal of Aquarius Capital to prepare the post employment benefits valuation at a cost of \$5,000 for 2016 and \$1,500 for a roll forward calculation for 2017; and

**BE IT FURTHER RESOLVED**, that the Town Supervisor is hereby authorized and directed to execute any and all agreements and other documents necessary to give effect to this Resolution, consistent with the terms hereof, all in form satisfactory to the Supervisor and the Town Attorney.  
Motion carried unanimously

**Resolution #352 - Authorizing Auditing Services O’Connor Davies**

On a motion by Councilman Denbaum  
Seconded by Supervisor Fleming

**WHEREAS**, the Town of Kent is in need of an auditing services for fiscal years 2016 and 2017; and

**WHEREAS**, O’Connor Davies has provided a proposal for such services for a fee of \$36,700 per fiscal year which represents no increase over the prior year; and

**WHEREAS**, the Town Board believes it to be in the best interests of the Town to accept the proposal of O’Connor Davies;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby accepts the proposal of O’Connor Davies to provide auditing services to the Town of Kent for the 2016 and 2017 fiscal years for a fee of \$36,700 per year; and

**BE IT FURTHER RESOLVED**, that the Town Supervisor is hereby authorized and directed to execute any and all agreements and other documents necessary to give effect to this Resolution, consistent with the terms hereof, all in form satisfactory to the Supervisor and the Town Attorney.  
Motion carried unanimously

**Resolution #353 - Sale of Highway Truck #26 - 1993 Chevy Box Van**

On a motion by Councilwoman McGlasson  
Seconded by Councilman Chin

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**WHEREAS**, the Town of Kent Municipal Repair Service Manager has advised that Highway Vehicle #26, a 1993 Chevrolet Box Van, VIN#2GCHG3IJ2P4122847 (the "Van") has reached the end of its service life, and

**WHEREAS**, the Highway Superintendent, Richard Othmer, agrees that the Van is no longer of useful value to the Highway Department and has requested that the Truck be offered for sale at auction; and

**WHEREAS**, the Town Board wishes to authorize the Highway Superintendent to offer the Van for sale to third parties at auction or if there are no purchasers, to scrap the Van in exchange for its scrap metal value;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent, authorizes the Town of Kent Highway Department to offer the Van identified hereinabove for sale to third parties at auction; and

**BE IT FURTHER RESOLVED**, that if the offer of sale for auction results in no sale of the equipment, the Town of Kent Highway Department is authorized to scrap the equipment for its scrap metal value.

Motion carried unanimously

**Resolution #354 - Purchase 2017 Dodge One Ton Dump Truck with Sander & Snowplow**

On a motion by Councilwoman McGlasson

Seconded by Councilman Chin

WHEREAS, the Town Board of the Town of Kent has received a request from the Town Highway Superintendent to purchase a 2017 Dodge One Ton Dump Truck with a sander and snowplow (the "Truck"); and

WHEREAS, Section 103(16) of the General Municipal Law exempts from competitive bidding purchase contracts for apparatus, materials, equipment and supplies, through the use of contracts let by the United States or any agency thereof, any state or any other political subdivision or district; and

WHEREAS, the Town Board has determined that there is a need to purchase the Truck; and wishes to authorize the Highway Department's purchase of the Truck for a price not to exceed \$74,166.20 through a contract awarded by the State of New York to Robert Green Truck Division pursuant to OGS Contract #PC-66589; and

WHEREAS, the cost of the Truck has been budgeted for 2017 and therefore this authorization shall be effective on or after January 1, 2017;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Kent hereby authorizes and approves the purchase of the Truck on or after January 1, 2017 from Robert Green Chevrolet pursuant to the contract awarded by the State of New York at a cost not to exceed \$74,166.20; and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Kent hereby authorizes and directs the Supervisor to execute any and all documents necessary to give effect to this Resolution.

Motion carried unanimously

**Resolution #355 - Introduce Local Law #3/2016 – Streets & Sidewalks**

On a motion by Councilman Chin

Seconded by Councilwoman McGlasson

**BE IT RESOLVED** that an amendment to Kent Town Code Chapter 65 entitled "Streets and Sidewalks", is hereby introduced, as Introductory Local Law #3 of the year 2016 before the Town Board of the Town of Kent in the County of Putnam and State of New York, and

**BE IT FURTHER RESOLVED**, that copies of the aforesaid proposed Amendment, which is attached hereto, be laid upon the desk of each member of the Board, and

**BE IT FURTHER RESOLVED**, that the Town Board will hold a public hearing on said proposed Amendment at the Town Hall, in the Town of Kent, New York at 7:00 o'clock P.M. on December 20, 2016, and

**BE IT FURTHER RESOLVED**, that the Town Clerk publish or cause to be published a public notice in the official newspaper of the Town of Kent of said public hearing at least five (5) days prior thereto.

Motion carried unanimously

TOWN OF KENT  
AMENDMENT TO  
CHAPTER 65 OF THE KENT TOWN CODE

**BE IT ENACTED** by the Town Board of the Town of Kent, Putnam County, New York, as follows:

Section 1. Chapter 65 Entitled "Streets and Sidewalks", Article II entitled "Parking Restrictions", is hereby amended to read as follows:

§ 65-4 Parking restricted.

The parking of vehicles ~~on the travel portion of any public street or highway~~ **in the right of way of any public street or highway** within the Town of Kent is hereby prohibited from November 15 through April 15 of each year.

Section 2. This local law shall take effect immediately.

**Resolution #356- Reducing Erosion Control Bond - Adams TM# 22-1-13 – Bottlegate Farm (Adams)**

On a motion by Councilman Chin

Seconded by Councilwoman McGlasson

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**WHEREAS**, the Planning Board, at their meeting held on March 10, 2016, approved Resolution #4 of Year 2016 recommending that the Town Board reduce Erosion Control Bond regarding 919 Route 52 in the amount of \$19,700 by \$14,405 upon the applicant meeting certain conditions; and

**WHEREAS**, the applicant has met the necessary conditions and the property has been inspected by Bruce Barber and the Town Board of the Town of Kent wishes to follow the recommendations of the Planning Board;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Kent hereby accepts the recommendation of the Planning Board and approves the return of \$14,405 of the Erosion Control Bond regarding 919 Route 52, Kent, New York.

Motion carried unanimously

**Resolution #357 – Add Item to the Agenda**

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: Purchase of Two Police Vehicles was added to the agenda.

Motion carried unanimously

**Resolution #358 – Purchase Two 2017 Police Vehicles**

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

WHEREAS, the Town Board of the Town of Kent has received a request from the Kent Chief of Police to purchase two 2017 Police Vehicles; and

WHEREAS, the Town Board has determined that there is a need to purchase these vehicles; and the cost of these two vehicles of \$37, 834.10 has been budgeted for 2017 and

WHEREAS, Section 103(16) of the General Municipal Law exempts from competitive bidding purchase contracts for this equipment and the quote is from Westchester County Contract,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes and approves the purchase of two police vehicles for a cost of each vehicle at \$37,834.10 for a total amount of \$75,668.20 and that the Town Board of the Town of Kent hereby authorizes and directs the Supervisor to execute any and all

Motion carried unanimously

**Resolution #359 – Vouchers & Claims**

On a motion by Councilman Huestis

Seconded by Councilman Chin

Resolved: All vouchers #200139850 and #200140140 and claims submitted by:

1. Advanced Heating & Air Conditioning	\$9,166.66	Partial Payment
	\$9,166.66	Final Payment
2. Business Automated Services	\$2,960.00	Mobile App Software
3. Calculated Fire Protection Co.	\$4,800.00	Qt Insp/Anti freeze
4. City Carting	\$3,925.33	Lake Carmel Garbage
	\$6,570.70	
	\$2,376.05	
5. Craig Zottola, Inc.	\$9,930.75	Sanitation #17/Mack
6. Hogan & Rossi	\$5,416.67	December 2016
7. K&L Fabricating	\$3,960.00	Sanitation #22
8. Lumar Plumbing & Heating	\$5,555.00	WD#1
9. Medicare Reimbursements	\$17,443.70	Reimbursements
10. NYS Dept of Civil Service	\$178,357.46	Health Insurance
11. Royal Carting	\$4,889.30	Recycling Garbage
12. Spain Agency	\$72,090.71	Insurance Installment
13. State Comptroller	\$31,402.00	Justice Court
14. Tire Buys	\$7,023.69	Tires
	\$4,782.38	
15. Town of Kent Municipal Repairs	\$13,601.51	Chargebacks: Hwy
	\$28,927.36	Chargebacks: Sani
16. Virtual Town Hall Holdings, LLC	\$3,500.00	Annual Website

In the amount of \$478,380.17 may be paid.

Motion carried unanimously

**Public Comment** – There was none.

**Resolution #360 – Adjourn to Executive Session**

On a motion by Supervisor Fleming

Seconded by Councilman Huestis

Resolved: The Town Board adjourned to Executive Session to discuss matters effecting the financial situation or employment of an individual.

Motion carried unanimously

**Resolution #361 - Adjournment**

On a motion by Supervisor Fleming

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Seconded by Councilwoman McGlasson

Resolved: The Town Board meeting of December 6, 2016 adjourned at 8:25p.m.

Motion carried unanimously

Respectfully submitted,

Yolanda D. Cappelli  
Town Clerk